THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13954 of 2007

Dated 3rd July 2007

Between:

Sanapala Devanand

... Petitioner

and

The Sub-Registrar,
Gopalpatnam, Visakhapatnam.

... Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13954 OF 2007

O R D E R:

Petitioner states that he entered into an agreement of sale with the owners of land admeasuring 355 sq.yards in Sy.No.230/2 of Venkatapuram village, Gopalapatnam of Visakhapatnam District. According to him, he approached the respondent for getting the valuation particulars and for registration. The grievance of the petitioner is that the respondent is neither receiving the document, nor admitting it for registration, on the ground that the lands situated in and around Visakhapatnam Rural Mandal, were prohibited for transfer. This writ petition is filed seeking appropriate directions to the respondent, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document into registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended by including Section 22-A. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1). Unless and until the property of the petitioner covered by the document falls into any of those categories, the respondent cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner within a reasonable time.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007, and take necessary steps within a period of one week from the date of receipt of the document. In case the document cannot be registered, he shall communicate the reasons in writing, within that period. There shall be no order as to costs.

3rd July 2007

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